

REMARKS

In response to the Office Action mailed October 14, 2004, Applicant respectfully requests reconsideration.

As a preliminary matter, Applicant notes with appreciation the allowance of claims 1-11, 28-31, and 35.

Claims 36-39 were rejected under 35 U.S.C. §112, first paragraph as allegedly not agreeing with the specification. Applicant respectfully disagrees with this rejection. Claims 36-39 are dependent claims containing subject matter that further limits the independent claims and is fully consistent with the specification. However, for purposes of expediting prosecution only, and not to narrow the scope of protection, Applicant has canceled claims 36-39 without prejudice or disclaimer and therefore this rejection should now be overcome.

Claims 12-15, 17, 32, and 33 were rejected under 35 U.S.C. §103 as being unpatentable over Koike et al.

Claims 12, 13, 17, 32, and 33 were rejected under 35 U.S.C. §102 as being unpatentable over Nagasaki et al.

Claims 27 and 34 were rejected under 35 U.S.C. §103 as being unpatentable over the combination of Koike and Merrill.

Claim 18 was rejected under 35 U.S.C. §103 as being unpatentable over the combination of Koike and Nagano.

Claim 18 was also rejected under 35 U.S.C. §103 as being unpatentable over the combination of Nagasaki and Nagano.

Claims 12, 17, 18, 27, and 32-34 were rejected under 35 U.S.C. §102 as being unpatentable over Motojima.

Claim 16 was rejected under 35 U.S.C. §103 as being unpatentable over Koike in combination with Motojima.

Applicant respectfully traverses each of these rejections.

As noted in Applicant's prior responses, the use of the term interference filter clearly distinguishes over any of the reference alone or in any combination. None of the references teach or suggest the structure and function of an interference filter as recited in the claims. The

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Office Action fails to give appropriate weight to the structure and function of an interference filter as would be clear to one of ordinary skill in art. However, for purposes of expediting prosecution, and not to narrow the scope of patent protection in any way, Applicant has canceled claims 12-18, 27, 32-34, and 36-39 solely for purposes of expediting prosecution.

In view of the above remarks and cancellation of the still-rejected claims, this application, with claims 1-11, 28-31, and 35 should now be in allowable condition.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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